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BY CM/ECF

The Honorable Maryellen Noreika
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

Re: *Best Med. Int'l, Inc. v. Varian Med. Sys., Inc., et al.*, C.A. No. 18-1599-MN

Dear Judge Noreika:

Pursuant to Local Rule 7.1.2(b), Varian respectfully submits the attached decisions from the Patent Trial and Appeal Board last week denying *inter partes* review of U.S. Patent Nos. 7,266,175 (“the ’175 patent”), which constitutes intrinsic evidence for claim construction. *See Galderma Labs., L.P. v. Sun Pharm. Indus. Ltd.*, 411 F. Supp. 3d 271, 305 n.14. These decisions are relevant to the disputed “intensity map” claim term in the ’175 patent. *See* Ex. A at 12 (“In our view, then, the parties agree that an ‘intensity map’ carried a customary meaning to a person of ordinary skill in the art. Accordingly, we construe an ‘intensity map’ in a way commensurate with that customary meaning, as ‘a representation of the variation across a defined area of radiation of a single beam.’ This construction takes Patent Owner’s proposed construction but clarifies that the intensity map describes a given beam.”); Ex. B at 10–11 (adopting same). These decisions support Varian’s arguments presented in the Joint Claim Construction Brief, D.I. 85, beginning with the last full paragraph on page 67 and continuing through the second paragraph on page 68, and also support Varian’s arguments presented in footnote 16.

Respectfully submitted,

/s/ *David M. Fry*

David M. Fry (No. 5486)

cc: Clerk of the Court (via CM/ECF)
All Counsel of Record (via CM/ECF and e-mail)